



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

November 28, 2011

Jeff Lamoure, Deputy Director
Environmental Health Services
Public Health Department
Main Street Professional Bldg.
797 Main Street, Suite B
El Centro, CA 92243

Subject: Local Enforcement Agency Issuance of the Mesquite Regional Landfill Solid Waste Facilities
Permit - Facility No. 13-AA-0026

Dear Mr. Lamoure: *Jeff*

On August 2, 2011 Department of Resources Recycling & Recovery (CalRecycle) staff received a proposed permit for the subject facility. Upon review of the proposed permit staff determined that they would not be able to recommend concurrence on the permit. This determination was informally communicated to you and your staff. A second proposed permit was received by CalRecycle on September 29, 2011. Unfortunately, in the intervening time, staff had made a determination regarding condition 17b, that was in the first and in the second permit but was not part of the initial communication to your staff. Condition 17b in the permit lead staff to conclude that they would be required to recommend that the second proposed permit not be concurred upon by CalRecycle. This determination was based, in part, on information received by staff at about the same time regarding proceedings of an ongoing appeal in which enforcement of a similar condition was at issue. Staff determination relative to condition 17b was informally communicated to you and your staff and discussions were begun regarding the proposed permit and condition 17b. On October 13, 2011, CalRecycle received a direct copy of the second permit that had been issued by you on October 3, 2011. CalRecycle had not concurred with the issuance of the second proposed permit as staff had established November 28, 2011 as the date that action would be required and were discussing ways to address issues with you and your staff. The cover letter sent with the issued permit indicated that the CalRecycle's Director had been deemed to have concurred with the issuance of the permit.

In conversations since October 13, 2011 with you and your staff, it has become apparent to CalRecycle staff that there is a difference of opinion relative to the timing for CalRecycle action on a proposed permit. Because of the circumstances relative to the permit issuance, and thus far no resolution to the difference of opinion that contributed to its issuance, CalRecycle will not be taking action on the permit submitted on September 29, 2011. The permit is being returned to you. It is CalRecycle's staff preference to continue to find a resolution through direct discussions. You are encouraged to continue to work with Mark Leary to find a mutually agreeable resolution to the permit status and the enforceability uncertainty associated with condition 17b.

Please contact Susan Markie at 916-341-6324 or at Susan.Markie@CalRecycle.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark de Bie", is written over a horizontal line.

Mark de Bie, Chief
Permitting and Assistance Branch
CalRecycle

